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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,578	11/21/2003	Michael R. McGovern	87086CEB	3264

7590

11/30/2005

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EXAMINER
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HUSON, MONICA A

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,578	<b>Applicant(s)</b> MCGOVERN ET AL.	
	<b>Examiner</b> Monica A. Huson	<b>Art Unit</b> 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>112103,041105</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as containing an improper alternative limitation. According to MPEP § 2173.05 (h), alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. A Markush group is an acceptable form of alternative expression and must contain the phrase “selected from the group consisting of A, B and C.” See *Ex parte Markush*, 1925 C.D 126 (Comm’r Pat. 1925). Claims 3 and 4 contain the incorrect alternative expression “from the group including...”. In order to correct the claim, the examiner suggests rewording the claim as follows: “from the group consisting of...”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao et al. (U.S. Patent 4,989,802), in view of Frazzitta et al. (U.S. Patent 6,472,028). Akao et al., hereafter “Akao,” show that it is known to carry out a method of manufacturing a web-winding device (Abstract) comprising the step of providing a generally cylindrical injection molded support structure having an outer web wrapping surface for receiving at least one convolution of a web and, an interior portion having an annular surface joined to the outer web wrapping surface (Column 3, lines 22-38). Akao does not discuss the surface texture of the outer surface. Frazzitta et al., hereafter “Frazzitta,” show that it is known to carry out a method for making a web-winding device wherein an outer web wrapping surface has a surface texture of less than 0.5 microns Ra (Column 8, lines 62-67; Column 9, lines 1-8; It is noted that although Frazzitta does not explicitly disclose relative static coefficients of frictions, that material property will be inherent to and dependent upon the surface texture of the wrapping surface. Therefore, it is being held that since Frazzitta suggests the claimed surface texture, the inherent static coefficients of frictions would also be achieved by his disclosure.). Frazzitta and Akao are combinable because they are concerned with a similar technical field, namely, web winding devices. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form Frazzitta’s specific surface texture during Akao’s molding process in order to mold a device which operates per customer specifications.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akao and Frazzitta, further in view of Schneider et al. (U.S. Patent 5,873,543).

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Regarding Claim 2, Akao shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show specific materials for his device. Schneider et al., hereafter "Schneider," show that it is known to carry out a method wherein the step of providing a generally cylindrical injection molded support structure further comprises the step of providing said outer web wrapping surface with a material selected from the group consisting of modified amorphous thermoplastic resins and semi-crystalline thermoplastic resins (Column 4, lines 39-44). Schneider and Akao are combinable because they are concerned with a similar technical field, namely, methods of molding winding devices. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Schneider's material in Akao's molding process in order to produce an article that has the desired physical and chemical characteristics of the chosen materials.

Regarding Claim 3, Akao shows the process as claimed as discussed in the rejection of Claims 1 and 2 above, but he does not show specific materials for his device. Schneider shows that it is known to carry out a method wherein said step of providing said outer web wrapping surface further comprises the step of providing said modified amorphous thermoplastic resin selected from the group including lubricated polycarbonate and silicone polycarbonate copolymers (Column 4, lines 44). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Schneider's material in Akao's molding process in order to produce an article that has the desired physical and chemical characteristics of the chosen materials.

Regarding Claim 4, Akao shows the process as claimed as discussed in the rejection of Claims 1 and 2 above, but he does not show specific materials for his device. Schneider shows

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that it is known to carry out a method wherein said step of providing said outer web wrapping surface further comprises the step of providing said semi-crystalline resin selected from the group including polybutylene terephthalate, polybutylene terephthalate/polycarbonate alloys and a modified polybutylene terephthalate (Column 4, lines 39-44). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Schneider's material in Akao's molding process in order to produce an article that has the desired physical and chemical characteristics of the chosen materials.

Regarding Claim 5, Akao shows the process as claimed as discussed in the rejection of Claims 1, 2, and 4 above, but he does not show using a filler. Schneider shows that it is known to carry out a method wherein the step of providing said modified polybutylene terephthalate includes the step of providing said modified polybutylene terephthalate with about 20 weight percent solid glass bead (Column 2, line 43; Column 4, lines 36-43). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Schneider's material in Akao's molding process in order to produce an article that has the desired physical and chemical characteristics of the chosen materials.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianne can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monica A Huson  
November 28, 2005



MICHAEL P. COLAIANNI  
SUPERVISORY PATENT EXAMINER